IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

-

WRIT PETITION NO : 15589 of 2005

Between:

P.Venkateswarlu, S/o.Ramulu,
R/o. H.No.5-5-107, New Abadi, Yellareddy, Nizamabad district.

..... PETITIONER

AND

1. The Deputy Transport Commissioner & Secretary, Regional Transport Authority, Nizamabad.

2. The Assistant Motor Vehicle Inspector, Enforcement, O/o.D.T.C.Nizambad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Mandamus declaring the seizure and continued detention of petitioners vehicle LMV Jeep bearing No.MWP9590 seized under vehicle check report No.0085713 dt.15-6-2005 by the 2nd respondent as illegal, arbitrary, and unconstitutional and without jurisdiction and consequently direct the respondents to release the petitioners vehicle forthwith to the petitioner.

Counsel for the Petitioner: MR.RAJANIKANTH JWALA

Counsel for the Respondents: GP FOR TRANSPORT

The Court at the admission stage made the following:

ORDER:

This writ petition is filed by the petitioner aggrieved by the action of the respondents in seizing his vehicle bearing No.MWP9590 under Vehicle Check Report No.0085713, dated 15.06.2005, by the second respondent for the alleged irregularities specified therein.

According to the petitioner, immediately after seizure of his vehicle, he made an application on 22.06.2005 seeking release of the vehicle. But, no orders have been passed by the first respondent. Hence, the present writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Transport appearing for the respondents.

As the vehicle of the petitioner has been seized by the respondents for the alleged irregularities committed, it is appropriate to release the vehicle in favour of the petitioner pending enquiry.

Accordingly, the respondents are directed to release the vehicle of the petitioner on his depositing a sum of Rs.5,000/- (Rupees five thousand only) and the outstanding tax, if any, payable by the petitioner along with an undertaking that he shall not alienate or encumber the vehicle, pending enquiry. It is made clear that the amount deposited and the release of the vehicle as directed hereinabove shall be subject to the outcome of the proceedings of the

enquiry contemplated under Section 207 of the Motor Vehicles Act, 1988.

The writ petition is accordingly disposed of. No costs.

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19.07.2005

Note: Send the operative portion by wire at party's cost.

(b/o)

VGB

To

1. The Deputy Transport Commissioner & Secretary, Regional Transport Authority, Nizamabad.
2. The Assistant Motor Vehicle Inspector, Enforcement, O/o.D.T.C.Nizambad.
3. 2CCs to the Government Pleader for Transport, High Court Buildings, Hyderabad. (OUT)
4. 2CD copies.